

REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided. However, Applicants note that the Examiner did not include a PTO-892 form listing newly-uncovered U.S. Patent Nos. 4,332,862 to TSUDA and 4,554,227 to TAKAGAKI, and requests that the Examiner include a PTO-892 form listing these references in the next official communication to Applicants. Upon entry of the present amendment, claims 24 and 29-31 will have been amended and claims 12-23 will have been canceled. Claims 24-33 remain pending for consideration by the Examiner.

The Examiner has rejected claims 29 and 31-33 under 35 U.S.C. § 112, second paragraph, as being indefinite, asserting that it is unclear what the bent portions are. By the present amendment, Applicants have amended independent claim 29 to recite “. . . a plurality of bent portions, each bent portion of said plurality of bent portions respectively formed [[on]] by bending a portion of an edge of said protruding edges . . .” and have similarly amended claim 31 to recite “. . . a plurality of bent portions, each bent portion of said plurality of bent portions respectively formed [[on]] by bending a portion of a said [[edge]] lead portion of said plurality of positive electrode plates and said plurality of negative electrode plates . . .” thereby obviating the Examiner’s rejection. Further, although Applicants respectfully disagree with the Examiner’s rejection under 35 U.S.C. § 112, second paragraph, in that one skilled in the art would readily understand what the bent portions are,

Applicants have amended these claims solely to expedite the patent application process in a manner consistent with the PTO's patent business goals, 65 Fed. Reg. 54603 (September 8, 2000). It is thus respectfully requested that the Examiner withdraw the rejection of claims 29 and 31-33 under 35 U.S.C. § 112, second paragraph.

The Examiner has rejected claims 24-26 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,332,862 to TSUDA, finding that this reference teaches all limitations recited in these claims. The Examiner has further rejected claim 30 under 35 U.S.C. § 103(a) as being unpatentable over TSUDA in view of OWEIS. However, the Examiner indicated that claim 34, dependent from independent claim 24, and claim 35, dependent from independent claim 30, would be allowable if rewritten into independent form. By the present amendment, Applicants have amended independent claim 24 to incorporate the limitations of allowable claim 34, and has amended independent claim 30 to incorporate the limitations of allowable claim 35, and has canceled claims 34-35. With respect to the Examiner's rejection of dependent claims 25-26, these claims are dependent from claim 24, which is allowable for at least the reasons discussed *supra*; thus, these dependent claims are also allowable for at least these reasons. Further, these dependent claims recite additional features which further define the present invention over the references of record. It is thus respectfully requested that the Examiner withdraw the rejections to claims 24-26 and 30.

The Examiner has rejected independent claim 29 under 35 U.S.C. § 102(e) as being anticipated by OWEIS, finding that this reference teaches all limitations recited in these claims. The Examiner has further rejected claims 31-32 under 35 U.S.C. § 103(a) as being unpatentable over OWEIS in view of U.S. Patent No. 5,674,641 to CHEU. The Examiner has additionally rejected claims 31-33 under 35 U.S.C. § 103(a) as being unpatentable over SUGIKAWA in view of OWEIS and CHEU. Applicants respectfully traverse the Examiner's rejections. Specifically, none of the references of record teaches or discloses the claimed feature that the plurality of bent portions form a uniform, flat end surface at a lateral end of the electrode plate unit, as claimed in independent claims 29 and 31, and as discussed in *inter alia*, page 20, line 6-16 of the specification.

With respect to the Examiner's rejection of dependent claims 32-33, these claims are dependent from claim 31, which is allowable for at least the reasons discussed *supra*; thus, these dependent claims are also allowable for at least these reasons. Further, these dependent claims recite additional features which further define the present invention over the references of record. It is thus respectfully requested that the Examiner withdraw the rejections to claims 39 and 31-33.

Absent a disclosure in a single reference of each and every element cited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied

references fail to disclose each and every element recited in independent claims 24 and 29, these claims, and the claims dependent therefrom, are not anticipated thereby.

The Examiner has rejected dependent claims 27-28 under 35 U.S.C. § 103(a) as being unpatentable over TSUDA in view of COIBION. Since these claims are dependent from claim 24, which is allowable for at least the reasons discussed *supra*, these dependent claims are also allowable for at least these reasons. Further, all dependent claims recite additional features which further define the present invention over the references of record. It is thus respectfully requested that the Examiner withdraw the rejections to claims 27-28.

Applicants thus respectfully submit that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. §§ 102, 103 and 112, and respectfully request the Examiner to indicate the allowance of each and every pending claim in the present application.

COMMENTS ON STATEMENT OF REASONS FOR THE INDICATION OF
ALLOWABLE SUBJECT MATTER

In response to the Statement of Reasons for the Indication of Allowable Subject Matter, mailed by the U.S. Patent and Trademark Office on October 6, 2003, along with the above-noted Official Action, Applicants wish to clarify the record with respect to the basis for patentability of the allowed claims in the present application. In this regard, while Applicants do not disagree with the Examiner's indications that certain identified features are not disclosed by the prior art references, as noted by the Examiner, Applicants further wish to clarify that each of the independent claims in the present application recites a particular combination of features, and the basis for patentability of each of these claims is further based on the particular totality of the features recited therein. The dependent claims set forth additional basis for their patentability in accordance with their recited limitations as well as in accordance with the particular limitations of the respective base claims.

SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the present amendment is in proper form and that none of the references either taken together or taken alone in any proper combination thereof, anticipate or render obvious Applicants' invention. In addition, the applied references of record have been discussed and distinguished, while significant features of the present invention have been pointed out. Accordingly, consideration of the present amendment, reconsideration of the outstanding Official Action and allowance of the present application and all of the claims therein are respectfully requested and are now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and with respect to the claimed features argued as deficient in the prior art, should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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December 31, 2003
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